

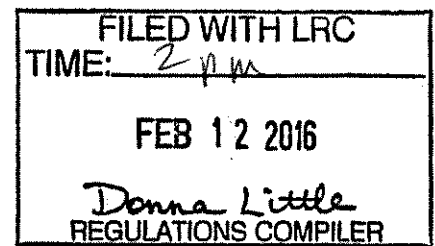
301 KAR 3:005

Public use of newly acquired or newly managed lands

This administrative regulation establishes the requirements for the Department of Fish and Wildlife Resources to close seasons on newly acquired or managed properties or to establish requirements that are different than statewide seasons or methods of take for deer until the Department can amend administrative regulations and they subsequently become effective.

Significant Changes

This is a new administrative regulation.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (New Administrative Regulation)

4 301 KAR 3:005. Public use of newly acquired or newly managed lands.

5 RELATES TO: KRS 150.010, 150.170, 150.175, 150.390

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.620

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department

8 to promulgate administrative regulations to establish open seasons for the taking of wildlife, to

9 regulate bag limits and methods of take, and to make administrative regulations apply to a

10 limited area. KRS 150.620 authorizes the department to promulgate administrative regulations

11 for the maintenance and operation of the lands it has acquired for public recreation. This

12 administrative regulation establishes the requirements for the department to close seasons on

13 newly acquired or managed properties or to establish requirements that are different from

14 statewide season requirements or methods of take until the department can subsequently amend

15 administrative regulations within the first year a property is acquired or managed.

16 Section 1. (1) Upon acquiring or managing new public land, the department may close the area to

17 all hunting or trapping or for certain game species during the first year of ownership or

18 management if an imminent risk is present regarding:

19 (a) Human safety;

20 (b) A negative impact to wildlife populations; or

21 (c) Inadvertent trespassing on adjacent private land by hunters due to a lack of adequate

1 boundary marking.

2 (2) If there is any deviation from statewide hunting or trapping seasons during the first year of
3 ownership or management, as established in subsection (1) of this section, the department shall
4 inform the public by:

5 (a) Conspicuously posting the requirements on signage at major access points on the area; and

6 (b) Posting the area requirements on the department's Website at fw.ky.gov.

7 Section 2. (1) Upon acquiring or managing new public land, the department may establish
8 during the first year of ownership or management on the area, weapons restrictions for deer
9 hunting that differ from statewide requirements if an imminent risk is present regarding:

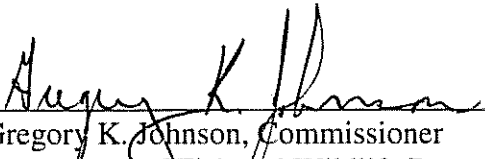
10 (a) Human safety; or

11 (b) A negative impact on the area's deer population.


12 (2) If there is any deviation from statewide requirements regarding methods of take as
13 established in subsection (1) of this section, the department shall inform the public as established
14 in section 1(2) of this administrative regulation.

15 Section 3. A hunter or trapper shall comply with the area requirements on newly acquired or
16 managed lands as established in sections 1 and 2 of this administrative regulation.

Approved by the Fish and Wildlife Commission



Gregory K. Johnson, Commissioner
Department of Fish and Wildlife Resources



Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet



Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held March 21, 2016, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by March 31, 2016.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 3:005

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the department to close seasons on newly acquired or managed properties or to establish requirements that are different than statewide seasons or methods of take for deer until the department can amend administrative regulations and they subsequently become effective.

(b) The necessity of this administrative regulation: This regulation is necessary for the department to properly manage newly acquired or managed lands prior to amending regulations that are different than statewide requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make administrative regulations apply to a limited area. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the effective administration of the statutes by providing the department with necessary ability to properly manage hunting and trapping on newly acquired or managed properties.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: N/A. See (a).

(c) How the amendment conforms to the content of the authorizing statutes: N/A. See (a).

(d) How the amendment will assist in the effective administration of the statutes: N/A. See (a).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Sportsmen and sportswomen who use department owned or managed lands are possibly affected. It is unknown how many people use department owned or managed lands.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Hunters who wish to hunt on a newly acquired or managed area must adhere to any requirements that are different from statewide regulations.

(b) In complying with this administrative regulation or amendment, how much will it cost each

of the entities identified in question (3): There will not be any costs associated with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will benefit hunters by allowing the department to better manage the area's wildlife populations for future hunting endeavors, by helping to reduce safety risks sometimes associated with newly acquired or managed areas, and reducing accidental trespassing incidents if the area's boundaries have not yet been adequately marked.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to the department to implement this administrative regulation initially.

(b) On a continuing basis: There will be no cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. An increase in fees or funding will not be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees were increased directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering is not applied since all hunters will be treated the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 3:005

Contact Person: Rose Mack

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) and 150.620.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated in subsequent years.

(c) How much will it cost to administer this program for the first year? There will no administrative costs for the first year

(d) How much will it cost to administer this program for subsequent years? There will be no administrative costs in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: